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WITNESSES—PRIVILEGED COMMUNICATIONS TO PHYSICIANS—WAIVER.—  
NOELLE v. HOQUIAM LUMBER AND SHINGLE CO., 92 PAC. (WASH.) 372.—  
Plaintiff in an action for personal injuries testified as to the character and  
extent of his injuries. *Held*, that he did not thereby waive the privilege  
granted him by statute, which enjoins secrecy upon attending physicians,  
unless they have the consent of their patients to be examined. Hadley, C. J.,  
and Root, J., *dissenting*.

These statutes commonly provide that physicians cannot testify to the  
result of examinations and observations made by them upon the person of a  
patient, unless the patient consents, or in some way waives his privilege.  
*Williams v. Johnson*, 112 Ind. 273; *Davis v. Supreme Lodge*, 165 N. Y. 159.  
He may do so by calling physician to testify in his behalf, or by a clause in a  
contract. *Adreveno v. Mutual, etc., Assn.*, 34 Fed. 870. But he need not,  
when he calls his physician to testify, specifically state his intention to make  
such waiver. *Holcomb v. Harris*, 166 N. Y. 257. Where a patient goes on  
the stand and testifies to what the physician said and found, he thereby  
waives his privilege under the statute and the physician may testify. *Highfill*  
*v. Mo. Pac. Ry. Co.*, 93 Mo. App. 219. But where she has testified as to her  
general health, that does not permit her physician to be called in order to  
contradict her, wherein he relates confidential communications made by her  
to him. *McConnell v. City of Osage*, 80 Ia. 293. A client does not consent  
that attorney shall testify to privileged communication made by him, by him-  
self testifying to the action generally, but he does if he discloses the confi-  
dential communication. *Oliver v. Pate*, 43 Ind. 132. Patient by calling on  
his physician to testify does not thereby waive his right to object to other  
physicians who have treated him, testifying on the same subject. *Mellor v.*  
*Mo. Pac. Ry. Co.*, 105 Mo. 455; *Baxter v. Grand Rapids*, 103 Ia. 599. The  
rule of evidence which excludes the communication between physician and  
patient must be evoked by an objection at the time the evidence of the wit-  
ness is given. *Lissar v. Crocker Estate Co.*, 119 Cal. 442; *Hoyt v. Hoyt*, 112  
N. Y. 514. Under a statute practically the same as the one in this case a  
physician who attended a party was not allowed to testify to her condition  
and symptoms, as disclosed by his examination and observation, even though  
she had testified in her own behalf in respect thereto. *Green v. Nebagamani*,  
113 Wis. 508.